

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN THE MATTER OF:)
MILTON C. BELL JR. AND) Chapter 13
CYNTHIA Y. BELL,) Case No. 18-17111
Debtor(s).) Judge: GOLDGAR

NOTICE OF MOTION

To the following persons or entities who have been served via electronic mail:
U.S. Bankruptcy Trustee: USTPRegion11.ES.ECF@usdoj.gov
Marilyn O. Marshall, Chapter 13 Trustee: courtdocs@chi13.com

To the following persons or entities who have been served via U.S. Mail:
See attached list.

PLEASE TAKE NOTICE that on January 19, 2021, at 1:30 pm, I will appear before the Honorable Judge Goldgar, or any judge sitting in that judge's place, and present the Motion to Modify Plan and Defer Plan Payment Default, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 161-319-7225 and the password is 584922. The meeting ID can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

/s/ Christine H. Clar
Christine H. Clar, A.R.D.C. #6202332
Attorney for the Debtor(s)

PROOF OF SERVICE

A copy of this Notice of Motion and attachments were deposited at the United States Post Office, Wheeling, Illinois, 60090, with sufficient postage prepaid, by Christine H. Clar, or served electronically by the bankruptcy court, under oath and under all penalties of perjury.

DATE OF SERVICE: December 22, 2020

/s/ Christine H. Clar

Christine H. Clar, A.R.D.C. #6202332
Attorney for the Debtor(s)

DAVID M. SIEGEL & ASSOCIATES, LLC
790 Chaddick Drive
Wheeling, IL 60090
847/520-8100
davidsiegelbk@gmail.com

To the following persons or entities who have been served via U.S. Mail:

Milton and Cynthia Bell
1625 N. Natchez Ave.
Chicago, IL 60707

Capital One Auto Finance
AIS Portfolio Services
4515 N. Santa Fe Ave., Dept. APS
Oklahoma City, OK 73118

IRS
P.O. Box 7346
Philadelphia, PA 19101-7346

Santander Consumer USA
P.O. Box 961245
Ft. Worth, TX 76161-1245

Quantum3 Group
GPCC I LLC
P.O. Box 788
Kirkland, WA 98083-0788

AmeriCash Loans
P.O. Box 184
Des Plaines, IL 60016

Waukegan Loan Management
P.O. Box 184
Des Plaines, IL 60016

Premier Bankcard
Jefferson Capital Systems
P.O. Box 7999
St. Cloud, MN 56302-9617

Capital One Bank
P.O. Box 71083
Charlotte, NC 28272-1083

LVNV Funding
MHC Receivables and FNB, LLC
Resurgent Capital Services
P.O. Box 10587
Greenville, SC 29603-0587

Exeter Finance
AIS Portfolio Services
4515 N. Santa Fe Ave., Dept. APS
Oklahoma City, OK 73118

Illinois Dept. of Revenue
Bankruptcy Section
P.O. Box 19035
Springfield, IL 62794-9035

US Dept. of Education
P.O. Box 16448
St. Paul, MN 55116-0448

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN THE MATTER OF:)
MILTON C. BELL JR. AND) Chapter 13
CYNTHIA Y. BELL,) Case No. 18-17111
Debtor(s).) Judge: GOLDGAR

DEBTORS' MOTION TO MODIFY
CHAPTER 13 PLAN TO INCREASE PLAN PAYMENT
AND TO DEFER PLAN PAYMENT DEFAULT

NOW COMES, THE DEBTORS, MILTON C. BELL JR. AND CYNTHIA Y. BELL, by and through their attorneys, DAVID M. SIEGEL AND ASSOCIATES, LLC, to present this Motion, and in support thereof states as follows:

- 1) Jurisdiction is proper and venue is fixed in this Court with respect to these parties.
- 2) On June 15, 2018, the Debtors filed a voluntary petition for relief pursuant to Chapter 13 under Title 11 USC, and the Chapter 13 plan was confirmed on September 4, 2018. That Marilyn O. Marshall was appointed Trustee in this case.
- 3) The Debtors' Chapter 13 plan provides for payments of \$1,650.00 monthly for an initial plan term of 60 months, with payments to the General Unsecured Creditors of 26% of their allowed claims.
- 4) The Debtors have paid \$40,026.00 into their Chapter 13 Plan.
- 5) The Debtors are behind in their plan payments due to the fact that Milton Bell was hurt in the summer of 2019 and was placed on disability. Cynthia Bell went to work to make up the shortfall in their income, but they were unable to catch up with all of their bills, and their trustee payments. (See Exhibit A).
- 6) The Debtors wish to increase the monthly plan payment by \$450.00, to \$2,100.00 so that the plan will remain feasible.
- 7) The Debtors propose to modify the plan pursuant to 11 U.S.C. §1329 to increase their plan payment so that Part 2.1 of the plan provides that Debtors will pay to the trustee \$2,100.00 monthly pursuant to the provisions of the plan, starting immediately, and to defer the anticipated plan payment default to the end of the plan. This proposal is made in good faith and without the intent to defraud creditors.

8) Deferring the plan payment default will not cause the confirmed Chapter 13 plan to run longer than 60 months.

WHEREFORE, the Debtors, MILTON C. BELL JR. AND CYNTHIA Y. BELL, pray that this Honorable Court enter an Order to Modify the Chapter 13 Plan, and for other such relief as the Court deems fair and proper.

Respectfully Submitted,

/s/ Christine H. Clar

Christine H. Clar, A.R.D.C. #6202332
Attorney for the Debtor(s)

DAVID M. SIEGEL & ASSOCIATES, LLC
790 Chaddick Drive
Wheeling, IL 60090
847/520-8100
davidsiegelbk@gmail.com

EXHIBIT A

Fill in this information to identify your case:

Debtor 1	<u>Milton C. Bell, Jr.</u>
Debtor 2 (Spouse, if filing)	<u>Cynthia Y. Bell</u>
United States Bankruptcy Court for the: <u>NORTHERN DISTRICT OF ILLINOIS</u>	
Case number (if known)	<u>18-17111</u>

Check if this is:

- An amended filing
 A supplement showing postpetition chapter 13 income as of the following date:
MM / DD / YYYY

Official Form 106I

Schedule I: Your Income

12/15

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Employment

1. Fill in your employment information.

If you have more than one job, attach a separate page with information about additional employers.

Include part-time, seasonal, or self-employed work.

Occupation may include student or homemaker, if it applies.

	Debtor 1	Debtor 2 or non-filing spouse
Employment status	<input checked="" type="checkbox"/> Employed <input type="checkbox"/> Not employed	<input checked="" type="checkbox"/> Employed <input type="checkbox"/> Not employed
Occupation	<u>Disability</u>	
Employer's name	<u>Catholic Charities</u>	
Employer's address	<u>721 N. LaSalle St. Chicago, IL 60654</u>	

How long employed there? _____

Part 2: Give Details About Monthly Income

Estimate monthly income as of the date you file this form. If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

For Debtor 1	For Debtor 2 or non-filing spouse
2. List monthly gross wages, salary, and commissions (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.	2. \$ <u>0.00</u> \$ <u>2,754.00</u>
3. Estimate and list monthly overtime pay.	3. +\$ <u>0.00</u> +\$ <u>0.00</u>
4. Calculate gross income. Add line 2 + line 3.	4. \$ <u>0.00</u> \$ <u>2,754.00</u>

Debtor 1 **Milton C. Bell, Jr.**
 Debtor 2 **Cynthia Y. Bell**

Case number (if known)

18-17111

Copy line 4 here

	For Debtor 1	For Debtor 2 or non-filing spouse
4.	\$ 0.00	\$ 2,754.00

5. List all payroll deductions:

- 5a. **Tax, Medicare, and Social Security deductions**
- 5b. **Mandatory contributions for retirement plans**
- 5c. **Voluntary contributions for retirement plans**
- 5d. **Required repayments of retirement fund loans**
- 5e. **Insurance**
- 5f. **Domestic support obligations**
- 5g. **Union dues**
- 5h. **Other deductions. Specify: 403B**

5a.	\$ 0.00	\$ 613.00
5b.	\$ 0.00	\$ 0.00
5c.	\$ 0.00	\$ 0.00
5d.	\$ 0.00	\$ 0.00
5e.	\$ 0.00	\$ 0.00
5f.	\$ 0.00	\$ 0.00
5g.	\$ 0.00	\$ 0.00
5h.+	\$ 0.00	+ \$ 45.00

6. Add the payroll deductions. Add lines 5a+5b+5c+5d+5e+5f+5g+5h.

6.	\$ 0.00	\$ 658.00
7.	\$ 0.00	\$ 2,096.00

8. List all other income regularly received:

- 8a. **Net income from rental property and from operating a business, profession, or farm**
Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.
- 8b. **Interest and dividends**
- 8c. **Family support payments that you, a non-filing spouse, or a dependent regularly receive**
Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.
- 8d. **Unemployment compensation**
- 8e. **Social Security**
- 8f. **Other government assistance that you regularly receive**
Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies.
Specify:
- 8g. **Pension or retirement income**
- 8h. **Other monthly income. Specify: City of Chicago - Disability**

8a.	\$ 0.00	\$ 0.00
8b.	\$ 0.00	\$ 0.00

8c.	\$ 0.00	\$ 0.00
8d.	\$ 0.00	\$ 0.00

8e.	\$ 0.00	\$ 0.00
8f.	\$ 0.00	\$ 0.00

8g.	\$ 0.00	\$ 0.00
8h.+	\$ 4,536.00	+ \$ 0.00

9. Add all other income. Add lines 8a+8b+8c+8d+8e+8f+8g+8h.

9.	\$ 4,536.00	\$ 0.00
10.	\$ 4,536.00	+ \$ 2,096.00

$$10. \quad \$ 4,536.00 + \$ 2,096.00 = \$ 6,632.00$$

11. State all other regular contributions to the expenses that you list in Schedule J.

Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives.

Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in Schedule J.
Specify:

$$11. \quad +\$ 0.00$$

12. Add the amount in the last column of line 10 to the amount in line 11. The result is the combined monthly income.

Write that amount on the *Summary of Schedules and Statistical Summary of Certain Liabilities and Related Data*, if it applies

$$12. \quad \$ 6,632.00$$

Combined monthly income

13. Do you expect an increase or decrease within the year after you file this form?

No.

Yes. Explain: _____

Fill in this information to identify your case:	
Debtor 1	Milton C. Bell, Jr.
Debtor 2 (Spouse, if filing)	Cynthia Y. Bell
United States Bankruptcy Court for the: NORTHERN DISTRICT OF ILLINOIS	
Case number (if known)	18-17111

Check if this is:

- An amended filing
 A supplement showing postpetition chapter 13 expenses as of the following date:

MM / DD / YYYY

Official Form 106J

Schedule J: Your Expenses

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Your Household

1. Is this a joint case?

- No. Go to line 2.
 Yes. Does Debtor 2 live in a separate household?

No

Yes. Debtor 2 must file Official Form 106J-2, Expenses for Separate Household of Debtor 2.

2. Do you have dependents? No

Do not list Debtor 1 and Yes. Fill out this information for each dependent.....

Do not state the dependents names.

Dependent's relationship to Debtor 1 or Debtor 2

Dependent's age

Does dependent live with you?

- No
 Yes
 No
 Yes
 No
 Yes
 No
 Yes

3. Do your expenses include expenses of people other than yourself and your dependents? No Yes

Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental Schedule J, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on Schedule I: Your Income (Official Form 106I.)

Your expenses	
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4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

4. \$ 1,500.00

If not included in line 4:

- | | |
|---|--------------|
| 4a. Real estate taxes | 4a. \$ 0.00 |
| 4b. Property, homeowner's, or renter's insurance | 4b. \$ 45.00 |
| 4c. Home maintenance, repair, and upkeep expenses | 4c. \$ 50.00 |
| 4d. Homeowner's association or condominium dues | 4d. \$ 0.00 |
| 5. Additional mortgage payments for your residence, such as home equity loans | 5. \$ 0.00 |

Debtor 1 **Milton C. Bell, Jr.**
 Debtor 2 **Cynthia Y. Bell**

Case number (if known)

18-17111

6. Utilities:	
6a. Electricity, heat, natural gas	6a. \$ 265.00
6b. Water, sewer, garbage collection	6b. \$ 23.00
6c. Telephone, cell phone, Internet, satellite, and cable services	6c. \$ 350.00
6d. Other. Specify: _____	6d. \$ 0.00
7. Food and housekeeping supplies	7. \$ 676.00
8. Childcare and children's education costs	8. \$ 0.00
9. Clothing, laundry, and dry cleaning	9. \$ 250.00
10. Personal care products and services	10. \$ 250.00
11. Medical and dental expenses	11. \$ 300.00
12. Transportation. Include gas, maintenance, bus or train fare. Do not include car payments.	12. \$ 500.00
13. Entertainment, clubs, recreation, newspapers, magazines, and books	13. \$ 100.00
14. Charitable contributions and religious donations	14. \$ 70.00
15. Insurance. Do not include insurance deducted from your pay or included in lines 4 or 20.	
15a. Life insurance	15a. \$ 0.00
15b. Health insurance	15b. \$ 0.00
15c. Vehicle insurance	15c. \$ 153.00
15d. Other insurance. Specify: _____	15d. \$ 0.00
16. Taxes. Do not include taxes deducted from your pay or included in lines 4 or 20. Specify: _____	16. \$ 0.00
17. Installment or lease payments:	
17a. Car payments for Vehicle 1	17a. \$ 0.00
17b. Car payments for Vehicle 2	17b. \$ 0.00
17c. Other. Specify: _____	17c. \$ 0.00
17d. Other. Specify: _____	17d. \$ 0.00
18. Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).	18. \$ 0.00
19. Other payments you make to support others who do not live with you. Specify: _____	19. \$ 0.00
20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.	
20a. Mortgages on other property	20a. \$ 0.00
20b. Real estate taxes	20b. \$ 0.00
20c. Property, homeowner's, or renter's insurance	20c. \$ 0.00
20d. Maintenance, repair, and upkeep expenses	20d. \$ 0.00
20e. Homeowner's association or condominium dues	20e. \$ 0.00
21. Other: Specify: _____	21. +\$ 0.00
22. Calculate your monthly expenses	
22a. Add lines 4 through 21.	\$ 4,532.00
22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2	\$ 4,532.00
22c. Add line 22a and 22b. The result is your monthly expenses.	
23. Calculate your monthly net income.	
23a. Copy line 12 (<i>your combined monthly income</i>) from Schedule I.	23a. \$ 6,632.00
23b. Copy your monthly expenses from line 22c above.	23b. -\$ 4,532.00
23c. Subtract your monthly expenses from your monthly income. The result is your <i>monthly net income</i> .	23c. \$ 2,100.00
24. Do you expect an increase or decrease in your expenses within the year after you file this form? For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?	
<input checked="" type="checkbox"/> No.	
<input type="checkbox"/> Yes.	Explain here: _____